

## **REMARKS**

Reconsideration and allowance of the present application are respectfully requested. By the foregoing Amendment, claims 1, 2, and 4-8 are amended and claims 10-17 are added. Claims 1-17 are pending.

Claims of a different scope have been submitted given the submission of a 37 CFR § 1.131 Declaration, regarding the inapplicability of the Pozgay document as prior art to the presently claimed invention.

Support for the amendments and new claims can be found throughout the original disclosure. See, for example, Fig. 1 of the drawings and original claims 1-4.

### **Rejection Under 35 U.S.C. §103**

In numbered paragraph 2 on page 4 of the Office Action, claims 1-9 are rejected under 35 U.S.C. §103(a) for alleged unpatentability over Pozgay et al (U.S. Patent No. 7,079,815) in view of Saxler (U.S. Patent No. 7,031,428 B2) in further view of Khorram (U.S. Patent No. 7,088,969 B2). Applicants respectfully traverse this rejection.

As discussed at MPEP § 715.07(III), a prior invention with respect to a reference can be established by submission of a Declaration Under 37 C.F.R. § 1.131 that includes evidence of "invention prior to the effective date of the reference." In accordance with the MPEP, attached herewith is a Declaration Under 37 C.F.R. § 1.131. The Declaration establishes at least conception of the claimed subject matter prior to the May 20, 2003, filing date of the Pozgay patent, thereby antedating Pozgay as alleged 35 U.S.C. § 102(e) prior art. Accordingly, the Pozgay patent does not constitute prior art against the claims of the present application.

In the Office Action, the Examiner alleges that the combination of the Pozgay and Saxler patents disclose every element recited in claims 1-9 except for the recited amplifiers and their associated configuration. Applicant respectfully submits that because the Pozgay patent is not prior art against the claimed invention, the Examiner has not established a prima facie case of obviousness with respect to all the features of claims 1-9. Accordingly, claims 1-9 are allowable.

Based on the foregoing discussion, Applicants respectfully request that the rejection of claims 1 and 8 and their corresponding depending claims be withdrawn.

#### **New Claims**

New claims 10-17 are allowable for at least similar reasons to those presented above.

Similar to claims 1-9, the Pozgay patent does not constitute prior art against claims 10-17. The Saxler and Khorram patents when applied individually or collectively as alleged by the Examiner fail to disclose or suggest all of the recited features of claims 10-17.

## Conclusion

Based on the foregoing remarks, Applicants respectfully submit that claims 1-17 are allowable and this application is in condition for allowance. Accordingly, Applicants request a favorable examination and consideration of the instant application. In the event the instant application can be placed in even better form, Applicants request that the undersigned attorney be contacted at the number below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: July 6, 2009

By:

For:

Patrick C. Keane  
Registration No. 32858

*Michael Werners*

#63985

P.O. Box 1404  
Alexandria, VA 22313-1404  
703 836 6620